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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,900	07/17/2003	Richard A. Kopelle	KOPELLE	1486
28157	7590	02/10/2004	EXAMINER	
URSULA B. DAY, ESQ. 350 FIFTH AVE. SUITE 3220 NEW YORK, NY 10118			MILLER, BENA B	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,900	KOPELLE, RICHARD A.	
	Examiner	Art Unit	
	Bena Miller	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear as to what are the features encompassed by the phrase "calm and tranquil". In other words, what features determine a calm and tranquil face.

There is lack of proper antecedent basis for the limitation "the activation pads".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall Vandis in view of Arad.

Hall Vandis teaches in the figures most of the elements including a boy (12; col. 6, par. 2), a head portion having a face with calm and tranquil features (fig. 1; The examiner takes the position that the dolls' features of Hall Vandis teaches "calm and

tranquil" features as required by claim 1), two elongated flexible arms (14), two leg portions (17). However, regarding claim 1 and 2, Hall Vandis fails to teach an electronic circuit including a sound module housed in the body cavity and connected to a power source and a plurality of switching means covered by the outer covering. Arad teaches a doll having an electronic circuit including a sound module (col. 6, par. 2) housed in the body cavity (fig.2) and connected to a power source (col. 6, par. 2). Arad also teaches a plurality of switching means (56, 58) covered by the outer covering and associated with the leg portions (col. 5, par. 2) and a voice synthesizing means (col. 6, par. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate sound module connected to a power source, a plurality of switching means and a voice synthesizing means as taught by Arad in the transitional companion of Hall Vandis for the purpose of doll playing different speech phrases (col. 3, line 30).

Regarding claim 4, Hall Vandis fails teach closed eyelids. However, Hall Vandis teaches eyes (20) located on the face of the doll. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the eyelids of the doll of Hall Vandis closed since it is known in the art that dolls have different designs and/or postures.

Regarding claim 6, Hall Vandis fails teach the sound module programmed to render the phrases, recited in the claim, sequentially upon activating the sensors. However, Hall Vandis does teach the doll has pre-recorded sounds that are record by a person. It would have been obvious to one having ordinary skill in the art at the time th

invention was made to incorporate the phrases, recited in claim 6, in the transitional companion of Hall Vandis for the purpose of generating a reproduced message (Abstract, line 9).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall Vandis in view of Arad as applied to claim 1 above, and further in view of Goodwin.

Hall Vandis and Arad teaches in the figures most of the elements of the claimed invention. However, Hall Vandis and Arad fails to teach a plush outer material. Goodwin teaches a plush toy having a body and plurality of detachable appendages (Abstract, lines 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plush material as taught by Goodwin for the outer cover of Hall Vandis and Arad for the purpose of providing soft outer surface.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall Vandis in view of Arad as applied to claim 1 above, and further in view of Van Hoose.

Hall Vandis and Arad teaches in the figures most of the claimed elements. However, Hall Vandis and Arad fails to teach a torso having a rotund shape. Van Hoose teaches doll having a round shape torso (59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a round shape torso as taught by Van Hoose for the companion of Hall Vandis and Arad for the purpose of representing the body shape of the doll.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall Vandis in view of Hills and Arad.

Hall Vandis teaches in the figures most of the steps of the claimed invention. However, Hall Vandis fails to teach folding the arms of the therapy body around the person and activating the sensor switches by means of the activation pads at the legs of the therapy buddy. Hills teaches a puppet figure that can be designed to have a person configuration having arms (16, 18) folding around a person. It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the step of folding the arms of the therapy body around the person as taught by Hills in the method of Hall Vandis for the purpose of the hugging the person.

Arad teaches a doll having an electronic circuit including a sound module (col. 6, par. 2) housed in the body cavity (fig.2) and connected to a power source (col. 6, par. 2). Arad also teaches a plurality of switching means (56, 58) covered by the outer covering and associated with the leg portions (col. 5, par. 2) and a voice synthesizing means (col. 6, par. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the step of activating as taught by Arad in the method of Hall Vandis for the purpose of producing sound.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friedel teaches a therapeutic doll and method of operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Examiner
Art Unit 3712

bbm
February 06, 2004